

United States District Court
District of Massachusetts
04-12186- JGD
Devine
Vs. Stop and shop

Summary
Four pages

Attached is seven pages of 100 observations I believe will support my position that stop and shop corporation took discriminatory disciplinary action against me to build a case to terminate my employment in violation with the federal labor laws and the Americans with disabilities act.

First, Bob Slarve explained the process for disciplinary action, ref item 1 attached.

At no time did stop and shop give me a verbal warning they just continued to threaten me with suspension and termination (ref items 2,3,4,,5,6,7,8,9 the attached report.

Also, please pay close attention of 11-08-00, 11-9-00, and 11-14-00, 191 forms are a result of stop and shop continued process to get rid of me because I have HIV.

It is clear to me that a verbal warning should have given on 11- 8-00 form 191.

Dianna Paris threatened to suspend me. Item 11 attached report.

Dianna Paris never asked me why – I did not complete pan out, item 50 attached report. However, item 52 attached report confirms she new I had HIV.

Dianna Paris does not remember any conversation I had with her item 48 attached report. But this was established to be a disciplinary action item 3 attached report. Also item 12, 13 and 14 of the attached report.

Here comes Bob Slarve on 11-09-00 ref item 15 attached report.

Bob Slarve went out of his way to get me disciplined over a routine problem that the department manager Dianna Paris should have handled. This should have been a verbal warning.

Bob Slarve stated that Dianna Paris had brought it to his attention my being late. (item 24 attached) However Dianna Paris was not aware Bob Slarve changed his story and said he reviewed Christopher's daily Punches (did not check with Dianna Paris to see if there were any reason for being late just wrote me up. Ref item 25, 26,40 attached. Also Dianna Paris did not complain about Bob Slarve taking a routine matter in his control item 69 attached.

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Bob Slarve said he sat down with me to discuss the 11-09-00 191 form this is a lie and never happened. The only time I discuss that was at the union meeting for all three 191 forms 11-8-00, 11-9-00 and 11-14-00. Ref there 100.

Bob Slarve does not know for sure if he was at the union meeting item 27 attached. Then he says he changed my schedule not related to a medical accommodation item 24). He does not even remember if he was at the union meeting, yet he changed my schedule? This is a false statement by Bob Slarve.

Bob Slarve was fully aware I had HIV. Item 18, item 23, item 28, item 35 and item 41.

Bob Slarve just did not want me with HIV working at the store. He saw how sick I looked like everyone else. I would think that a good manager would investigate a common knowledge rumor as well as he knowing I was sick to try and help. If he heard a rumor that someone had T.B. Would he look the other way? If someone had a gun?

Bob Slarve also claims no knowledge of HIV item 36. he also has never read a newspaper, watched TV, or listened to the radio.

Bob Slarve said that fill out a new employment application does not effect anything and is required for medical leave? This does not seem right.

Stop and Shop being a Billion Dollar company. I would think they would provide effective training on the federal labor laws and the American with disabilities act. For all managers and supervisors.

The 191 forms and procedures are what anyone thinks it can be used for.

Why did not stop and shop have Paul Fleming the area personnel representative (2-87-22 transcript) involved with medical accommodation requests?

Stop and shop should provide some kind information form to employees on who to see if they have medical requests and the procedure to follow. Maybe Paul Fleming should be the one to be involved.

Anyway, Fatima Cabral, Dianna Paris and Robert Slarve failed to uphold the federal labor laws and the ADA

Bob Slarve with all his experience at Stop and Shop failed to comply and cast the laws aside. He wanted to get rid of me because I had HIV.

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I have suffered from this treatment and ask the court to find in my favor and send a message to Stop and shop with a 300 million dollar decision or what the court says is just.

Thank you,


Christopher Devine
June 4, 2007

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- | Bob Slarve stated the process as (page 28 -2) is “ usually we speak to that cashier then the second time we document it. If it happens again they could face suspension.
- | Also under (42-8) Slarve states no disciplinary action with out his involvement.
- | On form 191 where it is established as a disciplinary action (32-10 through 14 documents)
- | On March 4, 2000 no verbal warning was given before the written disciplinary action. by Kim candarilli and Pangeano with threat of suspension.
- | So on 3-4-00 this should have been a verbal warning (not a written disciplinary action)
- | On 4-6-00 forms 191should have been a written disciplinary action with out suspension or threat of suspension. “ Stop and shop suspended me “

| , On 4-8-00

Bob Slarve violated the Stop and Shop procedures, by stating I will be suspended pending termination.

This 191 should have been a written warning with threat of suspension not termination.

| , On 4 -12-00

| I was given a disciplinary action on form 191 by Paul therein (a union position (2-82-9) I was not given a verbal warning and a union employee gave me a disciplinary action. This was allowed by Robert Slarve, this violates what Bob Slarve states in the process (ref 64-12- 13) union employees do not give 191's disciplinary actions.

| , On 4 -16 -00 I was given a disciplinary action when Bob Slarve knew I was suspended before, as a cashier, then I was a bagger after the suspension, Kim Candarilli put me on the register anyways after the suspension knowing my difficulties. Finally after demanding an accommodation for a bagger that was denied. I notified the union and Bob Slarve, moved me into the bakeshop.
This form 191 was not signed

| , (From 4-17-00 thru 11- 7-00 Christopher had no 191-disciplinary action forms written.)

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- i) On 11-8 00 form 191
Dianna Paris gave me a disciplinary action on form 191 with threat of suspension. This violates Bob Slarves and stop and shop policy where I should have received a verbal warning. (ref 28-2).
- 12 Stop and shop did not provide any documentation procedure as evidence that I was required to notify management when or before I left the store.
- 13 Dianna Paris did not find out until the following morning that the pan out was not completed. (Ref page 81-7-9)
I believe that Dianna Paris is responsible to make sure before she leaves the building that all required tasks have been completed by me. I am not the manager. She was nowhere to be found in the building at 11:00 at night.
- 14 Also exhibit 10 bake off schedule. The Department only had a staffing level of 45 percent with six out and eleven employees not available or blank
Exhibit 11 Armando and exhibit 12 Alan
Full time workers - exhibit 11 Armando left September 25, 2000 – Exhibit 12 Alan left October 29, 2000.
- 15 On 11—09 -00 Robert Slarve did not give me a verbal warning for my time being late and wrote me up a 191 disciplinary action with threat of suspension. (Bob Slarve stated he knew Christopher was ill at that meeting.) Ref (65-21).
- 16 On 11- 14- 00 was a 191 disciplinary action for Christopher being late by Dianna Paris – I testified that the store locked me out of the computer. (ref 2-27line 2)
- 17 It is clear to me that Bob Slarve and Stop and Shop does not comply with the procedures for disciplinary actions.
 - First is a verbal warning.
 - Second is a written disciplinary action 191 form.
 - Third is a written disciplinary action 191 form including threat of suspension.
 - Forth is a written disciplinary action 191 with suspension.

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18 Robert Slarve knew that I had HIV with rumors (ref 14-13 and 14-24 (43 –10-16)

19 States that he is the only one that enforces the ADA (15-8)

20 Bob Slarve states that ADA training is provided by the main office. (16 –12)

21 Bob Slarve knew of no performance issues while I worked in the bake shop (17-15)
(22-7) (41-14) (43-4) (43-9) (63-6).

22 Fatima has picture of manager but Bob Slarve does not know (18-8)
What was said? Was displayed by picture and titled as bake shop manager
Bob Slarve States (42-23 that with respect to attendance or tardiness it would go through
the chain of command (Bob Slarve wrote me up not Dianna Paris.

23 Bob slarve no discussion on medical condition with Dianna Paris (43 – 25) but Dianna
Paris new of my HIV condition and the both of them never had a discussion?

24 Bob Slarve states Dianna Paris had brought it to his attention being late (44-15-17
exhibit 4

25 Bob Slarve stated that normal approach for tardiness problem of this nature (46- 19)

26 Bob Slarve violated (28 – 2)

27 Bob Slarve (union meeting) Does not know for sure if he was there or not (47- 14) (47-
19)

28 Bob Slarve states that he does not recall any medical documentation concerning Mr.
Devine' s HIV condition. (50 – 16)

29 Bob Slarve only heard about HIV does know any thing about (57- 18)

30 Bob Slarve was involved with performance issues in the bake shop (63-6)

31 Bob Slarve wrote me up for tardiness (63-12)

Page 64

32 Bob Slarve states union associate does not give 191's (Paul Therein) (64-13)

33 Robert Slarve, late because Christopher comes from school (65-10)

34 Bob Slarve , change in schedule not related to medical accommodation. (65 –15)

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35 Bob Slarve , had knowledge of Christopher being " ill " (65-21)

36 Bob Slarve is not familiar with HIV " I'm not a doctor" "I have heard of it" (57-18)

37 "Bob Slarve union meeting change in schedule and get in on time" (59-6)

38 Robert Slarve states we terminate them and when they come back we rehire them but, they get the previous hire date. (2- 83 -8)

39 Robert Slarve reviewed Christopher Devine's daily punches (2 -89-1)

40 Robert Slarve had to deal with tardiness (2-89-18)

41 Robert Slarve, could have been told by Paul Therein. (2-90-18)

42 Dianna Paris – not aware of the ADA (68-10)

43 Dianna Paris – New I had HIV (68- 15) 68-18

44 Dianna Paris does not remember Mr. Devine almost passing out in the bakeshop (68- 23)

45 Dianna Paris remembers it was seven years ago (69 –13)
And Dianna Paris has some memory of Christopher passing out 69-3

46 Dianna Paris wrote 191 for just one situation (69-21)

47 Dianna Paris believes the 191 is not a disciplinary action (69-24)

48 Dianna Paris does not remember any conversations I had with her (Page 70)

49 Dianna Paris admits she found out the following morning pan out was not done (73-5)

50 Dianna Paris never asked me why I did not complete the pan out (73-5) (74 –1-3)

51 Dianna Paris HIV known 74-9

52 Dianna Paris confirms I told I told her my HIV positive status when she wrote me up 74-18) (74-19)

53 Dianna Paris not trained on the ADA by Stop and Shop

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(68-12)

- 54 Dianna Paris does not know much details about HIV (75 – 11) and then admits she didn't learn anything (75-18)
- 55 Dianna Paris believes the process for an accommodation for a disability is to accommodate them for what ever they need what ever their need is. However, she has never had to perform the process 76-5 thru 23
- 56 Dianna Paris not aware of any performance issues in the bakeshop (79- 20)
- 57 Dianna Paris no performance issues (79-23)
- 58 Dianna Paris now says that Christopher told her that night before Christopher left at 11:00pm that Christopher had finished.
Dianna Paris was not in the building to be found (book 2-54)
- 59 Dianna Paris confirms aware of HIV (82 –7) (82-10)
- 60 Dianna Paris Stated that she found out when she wrote me up (82-13)
- 61 Dianna Paris believes HIV had no effect on His job (82 – 15) , no need for assistance or accommodations (82 –18)
- 62 No performance issue (82-21)
- 63 Dianna Paris no accommodation ever requested. (83 – 4)
- 64 Dianna Paris not aware Bob Slarve disciplinary action of 11-09-00 (84- 13)
- 65 Dianna Paris believe stop and shop policy is to write up and not follow what Rob Slarve states (28-2)
- 66 Dianna Paris does not recall union meeting (86- 15) (86-17)
- 67 Dianna Paris has no knowledge of any changes as a result of the union meeting (87-6)
- 68 Dianna Paris does not remember anything about me leaving Stop and Shop page 87
- 69 Dianna Paris did not complain about Robert Slarve taking a routine matter in his control (89-2)
- 70 Dianna Paris reaffirms knowing my HIV condition (89-20)

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- 71 Dianna Paris confirms knowledge of HIV status (90-12)
- 72 Dianna Paris is fully aware of the effects of HIV is a mono like illness. (90-15) (90-22)
- 73 Dianna Paris wrote me up on a 191 but does not think it was disciplinary action. So when she says Christopher will be suspended that is no form of a threat (91-5 thru 25)
- 74 Fatima Cabral was giving a doctors note that my doctor gave me.
- 75 Fatima Cabral heard Christopher was HIV positive (96-9)
Remember 98-12 CD
- 76 Fatima Cabral didn't need a doctor's note (96-22) CD
- 77 Fatima Cabral had no knowledge of the ADA American's with Disabilities Act (101-12)
- 78 Fatima Cabral common knowledge among coworkers that Christopher was HIV positive (101-22)
- 79 Fatima Cabral states Dianna Paris informed her about two weeks notice
- 80 Fatima Cabral admits the department was a disaster but my performance was not deteriorating? I had HIV (122-9)
- 81 Fatima Cabral had lack training by stop and shop on how to handle this situation (124-14)
- 82 Fatima Cabral stated HIV is not a disability. (slow doing the job is a disability) (144-19 through 24).

STOP AND SHOP FAILED TO PROVIDE TRAINING ON THE ADA WITH SUPERVISORS.

- 83 Fatima Cabral yes of course, she brings the medical needs for accommodations to Dianna Paris or Bob Slarve (149-12 thru 21)
- 84 Fatima Cabral knew I was getting worse and suffering. (99-17) and (99-19)
- 85 Fatima Cabral states she could not go to management because it's a private thing. (148-11).
- 86 Fatima Cabral states my physical condition was " very sickly looking". "Very sickly looking" At that time. (149 -4).

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87 Fatima Cabral states that February and that is incorrect I told her in September by the doctors note. (158-12)

88 Fatima Cabral, need for accommodation (2-73-11)

89 Fatima Cabral states I never asked her to attend the union grievance meeting (2-74-2)

90 Fatima Cabral Does not know the ADA (2-75-5)

91 Fatima Cabral reasonable accommodation (2-75-9)

92 Fatima Cabral you need a doctors note regardless (2-77-1)

93 Fatima Cabral believes that informing stop and shop that I am not feeling good is not sufficient notice.

94 Christopher Devine - Returned to stop and shop after being out of the month of June and they wanted me to fill out the hole application process all over again. (2-35-23)
(2-36-18)

95 Christopher Devine - The doctor's note said that I had HIV that it was safe for him to continue to work at stop and shop and asked that he be given every consideration.

96 Christopher Devine – I gave Fatima Cabral the doctor's note (2-38-5)

97 Christopher Devine told Paul therein and Dianna Paris I was HIV positive page (2-25)

98 Christopher Devine – Stop and shop locked me out of the computer (2-27)

99 Christopher Devine - asked for some help (2-27)

100 Christopher Devine – I told Bob Slarve I had the diarrhea and recovered from a mono like illness. (2-29-14)